

**THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
CASE NO. 1:12-cv-00269-MR-DLH**

**THE ESTATE OF MICHAEL BLAKE  
SIPES, by Administrator Kimberly  
Sipes,**

**Plaintiff,**

**vs.**

**JOHNNY D. COOPER, individually  
and officially; MICHAEL FERRARO,  
individually and officially; and THE  
CITY OF MORGANTON,**

**Defendants.**

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**ORDER**

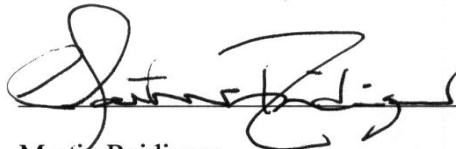
**THIS MATTER** is before the Court on the Court's own motion to continue the trial of this matter.

The Court has denied the motions for summary judgment of Defendants Cooper and the City of Morganton. Counsel for said Defendants has informed the Court of their intention to take an immediate appeal regarding the issue of the defense of qualified immunity. In order to allow the Defendants the adequate opportunity to initiate and perfect such appeal without any party incurring the time or expense of preparing for trial, the Court will allow this matter to be continued from its current trial setting.

If no timely appeal is filed, however, the case will be tried in the January, 2014, trial term.

**IT IS, THEREFORE, ORDERED** that the trial of this case is hereby continued from the November 12, 2013, term of Court and is set for trial during the January 13, 2014, term of Court.

Signed: October 29, 2013

  
Martin Reidinger  
United States District Judge

